



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,998	04/21/2004	Shmuel Shaffer	062891.1250	5499
5073	7590	08/06/2008	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			NGUYEN, KHAI N	
			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			08/06/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
glenda.orrantia@bakerbotts.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/828,998	SHAFFER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KHAI N. NGUYEN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 April 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-32 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 03, 2008 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 21-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 21-30 amended with a new added feature "media", and this feature was not described in the instant application's original specification. There is no support for "media" in this instant application's specification. Appropriate correction is required.

This is also considered new matter and must be canceled from the claims.

***Claim Rejections - 35 USC § 101***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims 21-30 recite media encoded with logic, and therefore these claims do not fall within at least one of the four enumerated categories of patentable subject matter recited in section 101 (i.e., process, machine, manufacture, or composition of matter).

The claimed limitation “media” can be interpreted as signals, or electric/magnetic fields which are not statutory subject matter.

In addition, it is clear from the context of the claims that the claimed invention is nothing more than executable logic. Logic is just a thought or a computation, logic does not appear to produce a concrete, tangible result in a real world practical application. Logic, or software, or any type of “functional descriptive material”, is not statutory when claimed as descriptive material, *per se*. See pages 50-57 of “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility”.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Bushnell et al. (U.S. Publication Number 2005/0113077 hereinafter “Bushnell”).

Regarding claims 1 and 11, Bushnell teaches a system and a method for enhanced call pickup (Figs. 1-4), the method and the system comprising one or more processing units collectively operable to:

access data indicating a current status of each of one or more users in a call pickup group (CPG) (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Fig. 3) with respect to an incoming phone call to a phone number corresponding to the CPG (Figs. 2-3, paragraph [0021]); and

communicate the status of each of the users in the CPG to one or more endpoints of one or more users in the CPG for display to the users in the CPG (Figs. 2,-3, paragraph [0023], lines 1-6, i.e., user is advised about status and availability of a colleague with instant messaging service), displaying the data to a first user in the CPG for the first user to determine a current status of each of one or more second users in the CPG to facilitate a decision by the first user regarding whether to pick up the incoming phone call (Figs. 1-3, 131-132, 142, 156-157, paragraph [0023], lines 1-11, i.e., displaying instant message on devices such as VoIP Clients, multimedia clients),

**whereby** the endpoints can be identified by their respective Internet Protocol (IP) addresses and the endpoints can communicate using a voice over IP (VoIP) (Fig. 2, 105 IP Network, 142 IP Telephone, paragraph [0017], and paragraph [0023]).

Regarding claims 2 and 12, Bushnell teaches the system and the method, wherein data indicating a current status of a user in the CPG (Fig. 2, , 132, 142, 156, 157, Pick Up Group, Figs. 3-4) with respect to the incoming phone call comprises one or more of: data identifying the user (Fig. 4, 406 User Identification (UI), paragraph [0030]); data indicating a current availability of the user; data indicating a current presence status of the user; data indicating a current call status of the user (Fig. 4, 402 User Status (US), paragraph [0028]); data indicating a bandwidth limitation preventing transfer of the incoming phone call to the user; data indicating a preference of the user with respect to picking up the incoming phone call; and data indicating whether the user intends to pick up the incoming phone call (Figs. 2-4, paragraphs [0037]-[0039]).

Regarding claims 4 and 14, Bushnell teaches the system and the method, wherein the one or more processing units are collectively operable to automatically and without user input access and communicate the data in response to the incoming phone call (Figs. 2-4, paragraph [0017]).

Regarding claims 5 and 15, Bushnell teaches the system and the method, wherein the one or more processing units are collectively operable to access the data

and communicate the data to a particular user in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4) in response to a request for the data from the particular user (Figs. 2-4, paragraph [0017], and paragraphs [0023]-[0024]).

Regarding claims 6 and 16, Bushnell teaches the system and the method, wherein the one or more processing units are collectively operable to:

receive input from the first user in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4) comprising one or more of:

a first indication of a preference of the first user with respect to picking up the incoming phone call (Fig. 4, steps 307-310, paragraph [0043], i.e., forward an alert to members of the Call Pick Up Group “first indication”); and

a second indication of whether the first user intends to pick up the incoming phone call (Fig. 4, step 311’ paragraph [0044], i.e., dialing a special code or click Pickup icon on IP phone to pick up incoming call “second indication”); and

communicate the input from the first user to one or more endpoints of one or more second users in the CPG for display to one or more second users in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4), a display of the input from the first user facilitating a second user determining a current status of the first user to facilitate a decision by the second user regarding whether to pick up the incoming phone call (Figs. 2-4, paragraphs [0043]-[0044], i.e., forward an alert to all members in CPG by Private Branch Exchange 104 to enterprise communication network 1 and the cellular communication network 2).

Regarding claims 8 and 18, Bushnell teaches the system and the method further comprising the one or more endpoints of the one or more users in the CPG (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Figs. 3-4), each of the endpoints being operable to receive the data from the one or more processing units and display the data to a user in the CPG (Fig. 2, 101 MSC, 102 PSTN, 105 IP Network (endpoint 1) with 142 IP Telephone (second user 1), Cell Site 112 (endpoint 2) with 132 Cell Phone (second user 2), paragraphs [0021]-[0023]).

Regarding claim 32, Bushnell teaches a system for enhanced call pickup (Figs. 2-4), the system comprising:

means for access data indicating a current status of each of one or more users in a call pickup group (CPG) (Fig. 2, 131, 132, 142, 156, 157, Pick Up Group, Fig. 3) with respect to an incoming phone call to a phone number corresponding to the CPG (Figs. 2-3, paragraph [0021]); and

means for communicate the status of each of the users in the CPG to one or more endpoints of one or more users in the CPG for display to the users in the CPG (Figs. 2-3, paragraph [0023], lines 1-6, i.e., user is advised about status and availability of a colleague with instant messaging service), displaying the data to a first user in the CPG for the first user to determine a current status of each of one or more second users in the CPG to facilitate a decision by the first user regarding whether to pick up the incoming phone call (Figs. 1-3, 131-132, 142, 156-157, paragraph [0023], lines 1-11, i.e., displaying instant message on devices such as VoIP Clients, multimedia clients),

**whereby** the endpoints can be identified by their respective Internet Protocol (IP) addresses and the endpoints can communicate using a voice over IP (VoIP) (Fig. 2, 105 IP Network, 142 IP Telephone, paragraph [0017], and paragraph [0023]).

### **Claim Rejections - 35 USC § 103**

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 7, 9-10, 17, 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell et al. (U.S. Publication Number 2005/0113077 hereinafter “Bushnell”) in view of McMurry et al. (U.S. Publication 2004/0086102, hereinafter “McMurry”).

Regarding claims 7, 9-10, 17, and 19-20, Bushnell discloses everything claimed as applied above (see claims 1 and 11). However, Bushnell does not specifically disclose the Session Initiation Protocol (SIP) for call processing, user communication by using a graphical user interface (GUI) and a button, and the use of pregenerated messages to communicate the user call status. Although Bushnell teaches the IP network for VoIP (Fig. 2, 105 IP Network, 142 IP Telephone, paragraph [0017], and paragraph [0023]), the display of instant messaging service for communication devices (Figs. 1-3, 131-132, 142, 156-157, paragraph [0023], lines 1-11, i.e., displaying instant message on devices such as VoIP Clients, multimedia clients).

In the same field of endeavor, McMurry teaches the systems and methods for implementing call pickup using SIP for call processing (McMurry – Fig. 1 – 155-1 to 155-N SIP Devices, Figs. 3A-B, paragraphs [0012], [0032] – [0034]), user communication by using a GUI and a button (McMurry – paragraph [0038], i.e., a mouse, and paragraph [0051] lines 11-14, i.e., preprogrammed a button), and the use of pregenerated messages to communicate the user call status (McMurry – paragraph [0059] lines 4-7).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using SIP, GUI and a button, and pregenerated message for call pickup group in a communication network) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of SIP, GUI and a button, and pregenerated message, as taught by McMurry, into the method and system of Bushnell in order to enhance the call pickup group services in a communication network.

Regarding claims 21-30, Bushnell discloses everything claimed as applied above (see claims 1-2, 4-6, 8, 11-12, 14-16, 18, and 32). However, Ardon does not specifically disclose the invention logic is readily implementable as the computer executable instruction in one or more computer-readable signal-bearing media.

Again, McMurry teaches the systems and methods for implementing call pickup using SIP for call processing (McMurry – Fig. 1, 155-1 to 155-N SIP Devices, Figs. 3A-B, paragraphs [0012], [0032] – [0034], and Exemplary Processing paragraphs [0041] –

[0064]). The advantage of McMurry's invention is the logic can be implemented with executing software instructions contained in a computer-readable medium (McMurry – paragraph [0040] lines 1-5, i.e., memory devices, computer-readable medium, etc.). Additionally, the software instructions can be combined with hardware to implement the invention (McMurry - paragraph [0040] lines 6-11).

Therefore, it would have been obvious to person of ordinary skill in the art at the time the invention was made to provide Ardon with an article, comprising: one or more computer-readable signal-bearing media to implement the method, or process steps for call pickup services.

Regarding claim 31, Bushnell discloses everything claimed as applied above (see claims 1-2, 4-6, 11-12, 14-16, 18, and 32). However, Bushnell does not specifically disclose the Session Initiation Protocol (SIP) for call processing. Although Bushnell teaches the IP network for VoIP (Fig. 2, 105 IP Network, 142 IP Telephone, paragraph [0017]).

However, in the same field of endeavor, McMurry teaches the systems and methods to implement call pickup group for VoIP using SIP for call processing in an IP-based network that is the endpoints can be identified by their respective IP addresses and the endpoints can communicate using a voice over IP protocol (VoIP) (McMurry - Fig. 1, 105 Data Network, 155-1 to 155-N SIP Devices, Figs. 3A-3B, paragraph [0006], and paragraphs [0012], [0032] – [0034], i.e., SIP is the IP-based network using IP addresses for identification and communication for VoIP as described in Internet

Engineering Task Force (IETF) Request For Comments (RFC)-2543 (IETF, RFC-2543 Session Initiation Protocol (SIP), and its successors RFC-3261 et al.). The advantage of McMurry's invention is the implementation of new services processing architectures and protocols (e.g. SIP) for the Internet and other data networks together with the traditional circuit switch networks (e.g., PSTN) (McMurry – Fig. 1, 105 DATA NETWORK, 110 TELEPHONE NETWORK, paragraphs [0006]-[0007]).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using SIP, IP addresses and IP devices for call pickup group in a communication network) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of SIP protocol with IP addresses for call processing to support VoIP, as taught by McMurry, into the method and system of Bushnell in order to enhance the call pickup group services in a communication network.

9. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell in view of Ardon (U.S. Patent Number 5,371,781).

Regarding claims 3 and 13, Bushnell discloses everything claimed as applied above (see claims 1 and 11) but a hunt group. Although a hunt group feature is old and

well known in the art, however, Bushnell does not specifically disclose the CPG comprises a hunt group.

In the same field of endeavor, Ardon teaches the system and the method, wherein the CPG comprises a hunt group (col. 6 lines 6-9, i.e., "Hunt group" services).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using SIP, IP addresses and IP devices for call pickup group in a communication network) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of a hunt group in a CPG, as taught by Ardon, into the method and system of Bushnell in order to enhance the call pickup group services in a communication network.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Claims 1, 11, 21, and 31-32 recite the language "whereby", language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure. Applicant is advised that the use of "whereby" is not considered as a positive limitation and such limitations may not be given weight in future actions. See MPEP 2106 (section II C - Review the Claims) and 2111.04.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI N. NGUYEN whose telephone number is (571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./  
Examiner, Art Unit 2614

07/31/2008

/Ahmad F MATAR/  
Supervisory Patent Examiner, Art Unit 2614